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91ST CONGRESS }
2d Session }

SENATE

{ REPORT
No. 91-1019

WILLIAM H. MORNING

JULY 15, 1970.—Ordered to be printed

Mr. BURDICK, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 1804]

The Committee on the Judiciary, to which was referred the bill (S. 1804) for the relief of William H. Morning, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of the bill is that for the purposes of the Civil Service Retirement Act, William H. Morning, Silver Spring, Md., who was voluntarily separated from his employment with the Department of the Navy on December 30, 1965, for purposes of his retirement, shall be held and considered to have performed 30 years of service creditable for retirement purposes at the time of his separation. The said William H. Morning was voluntarily separated from the service for retirement purposes as a result of his reliance on erroneous information, through administrative error and without fault on his part, that he had performed the 30 years of creditable service requisite for his retirement on December 30, 1965, whereas he had in fact performed 29 years, 11 months, and 16 days of such service at such time.

STATEMENT

The facts of the case are found in the Department of the Navy report as follows:

Mr. Morning applied for optional retirement with 30 years of creditable service to be effective December 30, 1965, as supply command management officer, Logistics Division, Bureau

of Ships (NAVSHIPSYS-COM), Washington, D.C. He was advised by the personnel office of the Bureau of Ships that he was eligible for optional retirement with 30 years of creditable service. However, the Civil Service Commission on reviewing Mr. Morning's claim for optional retirement, discovered that service rendered in the U.S. Maritime Service intermittently for the period from January 20, 1945, to August 9, 1946, was erroneously credited for retirement purposes. Without such service, the total service creditable for retirement purposes was only 29 years, 4 months, and 19 days. This was offset by crediting 6 months, 25 days of creditable service with the Board of Public Welfare of the District of Columbia, Public Assistance Division. With this service credited, Mr. Morning at the time of his retirement application had performed 29 years, 11 months, and 16 days of creditable service; 14 days short of the 30 years of creditable service required for an annuity based on optional retirement. The administrative error and Mr. Morning's reliance on erroneous information were without fault on his part.

In view of the above, the Department of the Navy interposes no objection to the enactment of S. 1804.

In agreement with the views of the Navy, the committee recommends the bill favorably. Attached hereto and made a part hereof is the favorable report of the Department of the Navy.

DEPARTMENT OF THE NAVY,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., July 22, 1969.

HON. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of May 1, 1969, to the Secretary of the Navy requesting comment on S. 1804, a bill "For the relief of William H. Morning."

This proposal provides that for the purposes of the Civil Service Retirement Act, William H. Morning, who was voluntarily separated from his employment with the Department of the Navy on December 30, 1965, for purposes of his retirement, shall be held and considered to have performed 30 years of service creditable for retirement purposes at the time of his separation.

Mr. Morning applied for optional retirement with 30 years of creditable service to be effective December 30, 1965, as supply command management officer, Logistics Division, Bureau of Ships (NAVSHIPSYS-COM), Washington, D.C. He was advised by the personnel office of the Bureau of Ships that he was eligible for optional retirement with 30 years of creditable service. However, the Civil Service Commission on reviewing Mr. Morning's claim for optional retirement, discovered that service rendered in the U.S. Maritime Service intermittently for the period from January 20, 1945, to August 9, 1946, was erroneously credited for retirement purposes. Without such service, the total service creditable for retirement purposes was only 29 years, 4 months, and 19 days. This was offset by crediting 6 months, 25 days of creditable

service with the Board of Public Welfare of the District of Columbia, Public Assistance Division. With this service credited, Mr. Morning at the time of his retirement application had performed 29 years, 11 months and 16 days of creditable service; 14 days short of the 30 years of creditable service required for an annuity based on optional retirement. The administrative error and Mr. Morning's reliance on erroneous information were without fault on his part.

In view of the above, the Department of the Navy interposes no objection to the enactment of S. 1804.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

For the Secretary of the Navy.

Sincerely yours,

JOHN D. H. KANE, Jr.,
Captain, U.S. Navy, Deputy Chief.

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